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19 **UNITED STATES BANKRUPTCY COURT**

20 **DISTRICT OF NEVADA**

21 In re:	Case No.: 22-14422-NMC
13 MUSCLEPHARM CORPORATION,	Chapter 11
14 Debtor.	
15 <hr/> 16 EMPERY TAX EFFICIENT, LP,	Adv. Pro. No. 23-01093-NMC
17 Plaintiff,	
18 v.	
19 RYAN DREXLER,	
20 Defendant.	
21 <hr/> RYAN DREXLER,	
22 Counterclaimant,	Original Hearing Date: Date: August 24, 2023 Time: 9:30 a.m.
23 v.	
24 EMPERY TAX EFFICIENT, LP,	New Hearing Date: Date: August 23, 2023 Time: 9:30 a.m.
25 Counterdefendant.	

26
27 **STIPULATION BETWEEN EMPERY TAX EFFICIENT, LP AND RYAN DREXLER**
TO RESCHEDULE SCHEDULING CONFERENCE

1 Empery Tax Efficient, LP (“Empery”), and Ryan Drexler (“Drexler,” and together with
 2 Empery, the “Parties”), by and through their respective undersigned counsel, hereby submit this
 3 *Stipulation Between Ryan Drexler and Empery Tax Efficient, LP to Reschedule Scheduling
 4 Conference (“Stipulation”).*

5 1. WHEREAS, on December 15, 2022, MusclePharm Corporation (the “Debtor”)
 6 filed a voluntary petition under chapter 11 of title 11 of the United States Code, thereby
 7 commencing bankruptcy case no. 22-14422-NMC (the “Bankruptcy Case”).

8 2. WHEREAS, on May 15, 2023, Empery filed its *Complaint* against Drexler, thereby
 9 commencing the above-captioned adversary proceeding (the “Adversary Proceeding”)

10 3. WHEREAS, on June 14, 2023, Drexler filed his *Answer, Affirmative Defenses and
 11 Counterclaim* [ECF No. 5]

12 4. WHEREAS, on July 5, 2023, Empery filed *Empery Tax Efficient, LP’s Answer to
 13 Defendant’s Counterclaim* [ECF No. 7]

14 5. WHEREAS, the Scheduling Conference in the Adversary Proceeding is scheduled
 15 for August 24, 2023 at 9:30 [ECF No. 2].

16 6. WHEREAS, in connection with the Bankruptcy Case, the hearing on: (1) *Debtor’s
 17 Motion Pursuant to §§ 105 and 363 of the Bankruptcy Code and Bankruptcy Rule 9019 to Approve
 18 Settlement and Plan Support Agreement with: (I) the Official Committee of Unsecured Creditors;
 19 (II) Empery Tax Efficient, LP, in its Capacity as Collateral Agent and Financing Agent for MP
 20 Collateral LLC; and (III) White Winston Select Asset Funds, LLC* [Docket No. 524] (the “PSA
 21 Motion”); and (2) *Debtor’s Motion for the Entry of an Order: (i) Approving the Disclosure
 22 Statement; (ii) Approving the Form of Ballots and Proposed Solicitation and Tabulation
 23 Procedures; (iii) Fixing the Voting Deadline with Respect to the Debtor’s Chapter 11 Plan; (iv)
 24 Prescribing the Form and Manner of Notice Thereof; (v) Fixing the Last Date for Filing
 25 Objections to the Chapter 11 Plan; (vi) Scheduling a Hearing to Consider Confirmation of the
 26 Chapter 11 Plan; and (vii) Appointing Stretto as Solicitation and Tabulation Agent* [ECF No. 554]
 27 (the “Disclosure Statement Motion”) is scheduled to proceed August 23, 2023 at 9:30 a.m.

28 7. WHEREAS, the Parties have met and conferred and, in the interest of judicial

1 economy and efficiency, hereby stipulate, subject only to entry of an order approving this
2 Stipulation substantially and materially in the form attached hereto as **Exhibit 1**, as follows:

3 a. The Scheduling Conference in the Adversary Proceeding shall be advanced from
4 August 24, 2023 at 9:30 a.m. to August 23, 2023 at 9:30 a.m.

5 b. Empery and Drexler shall submit a discovery plan and/or competing discovery
6 plans no later than August 11, 2023 providing for discovery to commence immediately after the
7 Court's Scheduling Conference on August 23, 2023.

8 Dated this 8th day of August, 2023.

9
10 GARMAN TURNER GORDON LLP

STEINHILBER SWANSON LLP

11 /s/ Teresa M. Pilatowicz
12 GREGORY E. GARMAN, ESQ.
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19 By: /s/ Michael P. Richman
20 MICHAEL P. RICHMAN, ESQ.
21 122 W. Washington Ave., Suite 850
22 Madison, WI 53703
23 *Attorney for Ryan Drexler*

EXHIBIT 1

EXHIBIT 1

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25 RYAN DREXLER,	
26 Defendant.	
27	
28	

1 RYAN DREXLER,
 2 Counterclaimant,
 3 v.
 4 EMPERY TAX EFFICIENT, LP,
 5 Counterdefendant.

Original Hearing Date:
 Date: August 24, 2023
 Time: 9:30 a.m.

New Hearing Date:
 Date: August 23, 2023
 Time: 9:30 a.m.

7 **ORDER APPROVING STIPULATION BETWEEN EMPERY TAX EFFICIENT, LP**
AND RYAN DREXLER TO RESCHEDULE SCHEDULING CONFERENCE

8 Empery Tax Efficient, LP (“Empery”) and Ryan Drexler (“Drexler,” and together with
 9 Empery, the “Parties”), by and through their respective undersigned counsel, entered in that certain
 10 *Stipulation Between Ryan Drexler and Empery Tax Efficient, LP to Reschedule Scheduling*
 11 *Conference* (the “Stipulation”).¹

12 The Court, having read and considered the Stipulation and good cause appearing therefore;

13 **IT IS HEREBY ORDERED** that the Stipulation is approved.

14 **IT IS FURTHER ORDERED** that:

15 a. The Scheduling Conference in the Adversary Proceeding shall be advanced from
 16 August 24, 2023 at 9:30 a.m. to August 23, 2023 at 9:30 a.m.

17 b. Empery and Drexler shall submit a discovery plan and/or competing discovery
 18 plans no later than August 11, 2023 providing for discovery to commence immediately after the
 19 Court’s Scheduling Conference on August 23, 2023.

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21 /s/ Teresa M. Pilatowicz

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By: /s/ Michael P. Richman

27 MICHAEL P. RICHMAN, ESQ.
 122 W. Washington Ave., Suite 850
 Madison, WI 53703
 Attorney for Ryan Drexler

28 ¹ All capitalized, undefined terms shall have the meaning ascribed to them in the Stipulation.